



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2003-29

September 26, 2003

John & Rosa Nine
15 Foxlair Court
Gaithersburg, MD 20882

RE: DES Wetlands File #1999-2329, Tuftonboro Neck, Tuftonboro

Dear Mr. and Ms. Nine:

On July 10, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Tuftonboro Tax Map 50 as Lot 26 (the "Property"). The purpose of the inspection was to determine if work done on the Property is in compliance with Wetlands and Non-Site Specific Permit # 1999-2329 (the "Permit"), which authorized the construction of 70 linear feet of breakwater in an "L" configuration with a 12 foot gap at the shoreline and installation of a 4 ft. x 40 ft. cantilevered pier and a 4 ft. x 19 ft. walkway and stairs.

The inspection revealed that the breakwater and docking facility located on the Property were not constructed in accordance with the Permit. During the inspection the following deficiencies were documented:

The breakwater measured 74 ft. 6 in. and the gap at the shoreline measured 9 ft. The Permit specified a 70 linear ft. breakwater and Wetlands Rule Wt 402.07 (e) (2) requires that breakwaters have a total length of no more than 70 feet. The breakwater length is not approvable under DES rules.

In response, you are requested to take the following actions:

Within 60 days remove a 4 ft. 6 in. section of breakwater.

2. Submit photographs and an as-built plan documenting compliance within 7 days of completion of the breakwater restoration.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. Work done in excess of the work approved by the wetlands permit is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner will also be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A

will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Compliance Officer
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL: 7002 3150 0001 5411 0848

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Tuftonboro Conservation Commission
Tuftonboro Board of Selectmen
Lakeshore Construction